

Appln No. 10/706,024
Amdt date February 24, 2010
Reply to Office action of November 24, 2009

REMARKS/ARGUMENTS

In the Office action dated November 24, 2009, the Examiner rejected claims 1-7 and 9 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that the recitation in claim 1 that the heating block or rod is positioned inside the shaft constitutes new matter. Applicant respectfully disagrees.

As noted in the specification, Figure 5 depicts a heating block or rod 18 that has been *configured to form a cradle 20 to receive the portion of the tip section adjacent the exit hole*. Specification, page 6, line 34 to page 7, line 2. As shown in Figure 5, the heating block or rod 18 is a solid member having a notch that acts as the cradle 20. As the specification notes that the heating block or rod 18 is configured to form a cradle to receive the portion of the tip section adjacent the exit hole, and the heating block or rod 18 is depicted as a solid member, those of ordinary skill in the art would readily understand that the heating block or rod 18 must be inserted inside the shaft to effect heating. In particular, because the heating block or rod 18 is depicted as a solid member, and is described as including a cradle for receiving a portion of the tip section, it can only heat the shaft by being inserted inside the shaft. Accordingly, independent claim 1, reciting that the heating block or rod is positioned inside the shaft is fully supported by the original specification, claims and drawings, and does not constitute new matter.

Additionally, Applicant has added new independent claim 10 reciting, in relevant part, that *during wrapping*, the shaft of the tip section is heated sufficiently to soften the material of the tip section shaft, wherein the shaft is internally heated using a heating block or rod. In particular, claim 10 does not include the recitation that the heating block or rod is positioned inside the shaft, as this feature is not necessary for patentability. As noted in Applicant's previous response, the device of previously cited Houser, et al. (U.S. Patent No. 5,855,552) cannot heat the shaft of the tip section *during wrapping* because the Houser device completely surrounds the outside of the tubular body and would prevent access to the shaft of the tip section during heating, making wrapping the portion of the electrode lead wire around the circumference

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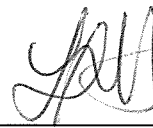
of the shaft impossible. See Figures 8 and 9, and column 3, lines 15-40. Accordingly, independent claim 10 is also allowable.

Claims 1-7, 9 and 10 are now pending in this application. By this amendment, Applicant has added new claim 10. The new claim finds full support in the original specification, claims and drawings, for example at page 5, line 30 to page 6, line 5, and Figure 4. No new matter is presented. In light of the above amendments and remarks, Applicant submits that all of pending claims 1-7, 9 and 10 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,

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